

BOIES SCHILLER FLEXNER LLP

David Boies (admitted pro hac vice)
333 Main Street
Armonk, NY 10504
Tel: (914) 749-8200
dboies@bsflp.com

Mark C. Mao, CA Bar No. 236165
Beko Reblitz-Richardson, CA Bar No.
238027
44 Montgomery St., 41st Floor
San Francisco, CA 94104
Tel.: (415) 293-6800
mmao@bsflp.com
brichardson@bsflp.com

James Lee (admitted pro hac vice)
Rossana Baeza (admitted pro hac vice)
100 SE 2nd St., 28th Floor
Miami, FL 33131
Tel.: (305) 539-8400
jlee@bsflp.com
rbaeza@bsflp.com

Alison L. Anderson, CA Bar No. 275334
M. Logan Wright, CA Bar No. 349004
725 S Figueroa St., 31st Floor
Los Angeles, CA 90017
Tel.: (213) 995-5720
alanderson@bsflp.com
mwright@bsflp.com

SUSMAN GODFREY L.L.P.

Bill Carmody (admitted pro hac vice)
Shawn J. Rabin (admitted pro hac vice)
Steven M. Shepard (admitted pro hac vice)
Alexander Frawley (admitted pro hac vice)
Ryan Sila (admitted pro hac vice)
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019
Tel.: (212) 336-8330
bcarmody@susmangodfrey.com
srabin@susmangodfrey.com
sshepard@susmangodfrey.com
afrawley@susmangodfrey.com
rsila@susmangodfrey.com

Amanda K. Bonn, CA Bar No. 270891
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Tel.: (310) 789-3100
abonn@susmangodfrey.com

MORGAN & MORGAN

John A. Yanchunis (admitted pro hac vice)
Ryan J. McGee (admitted pro hac vice)
Michael F. Ram, CA Bar No. 104805
201 N. Franklin Street, 7th Floor
Tampa, FL 33602
Tel.: (813) 223-5505
jyanchunis@forthepeople.com
rmcgee@forthepeople.com
mram@forthepeople.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,
JULIAN SANTIAGO, and SUSAN LYNN
HARVEY individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**DECLARATION OF SUSAN HARVEY
IN SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

Judge: Hon. Richard Seeborg
Courtroom 3 – 17th Floor
Date: October 5, 2023
Time: 1:30 p.m.

DECLARATION OF SUSAN HARVEY

I, Susan Harvey, declare as follows.

1. My name is Susan Harvey. I am over eighteen years of age and am competent to testify to and have personal knowledge of the facts set forth herein.

2. I am a plaintiff in this lawsuit against Google, LLC ("Google"). To protect my privacy, I use Google's Web & App Activity ("WAA") and Supplemental Web & App Activity ("sWAA") privacy controls to block Google from tracking me. I was the victim of identity theft when my Google account was accessed and fraudulent charges were made with the Google Play store, so I wanted to make sure that my Web & App Activity and supplemental Web & App Activity was not being stored anywhere. Because Google is a tech behemoth and collects enormous amounts of data and it's not clear to me what Google does or doesn't do with it afterward, I turned WAA and sWAA off so that it could not collect, save, or use any of my Web & App Activity and supplemental Web & App Activity.

3. When I opened my main Google account in 2009, and years before this lawsuit was filed, I carefully read Google's Terms of Service, Privacy Policy, and other Google disclosures to understand what information was and was not collected if I chose to turn off WAA and sWAA. I agreed to those terms. This included Google's Activity Controls screen, which included the WAA and sWAA options that Google said are ways to prevent Google from collecting, saving, and using my Web & App Activity and supplemental Web & App Activity when I turned off WAA and sWAA. These documents and disclosures offered me control of what Google did or did not collect, and that when I turned off WAA and sWAA, Google would not have any access whatsoever to my Web & App Activity and supplemental Web & App Activity.

4. Although I had turned off WAA and sWAA and thought Google was not collecting, storing, or using my Web & App Activity and supplemental Web & App Activity, I remember reading about this new lawsuit and it caught my attention because of the past problems I had with my Google account and how I specifically did not want Google collecting, saving, or using my

1 information. So I contacted my current counsel to learn more about what was going on and I
2 decided to join the case.

3 5. I joined this lawsuit with the understanding that the case has been brought as a class
4 action on behalf of two nationwide classes of individuals. The first nationwide class is:

5 Class 1: All individuals who, during the period beginning July 1, 2016 and continuing
6 through the present (the "Class Period"), (a) had their "Web & App Activity" and/or
7 "supplemental Web & App Activity" setting turned off and (b) whose activity on a non-
8 Google-branded mobile app was still transmitted to Google, from (c) a mobile device
9 running the Android operating system, because of the Firebase Software Development Kit
10 ("SDK") and/or Google Mobile Ads ("GMA") SDK

11 6. The second nationwide class is:

12 Class 2: All individuals who, during the period beginning July 1, 2016 and continuing
13 through the present (the "Class Period"), (a) had their "Web & App Activity" and/or
14 "supplemental Web & App Activity" setting turned off and (b) whose activity on a non-
15 Google-branded mobile app was still transmitted to Google, from (c) a mobile device
16 running a non-Android operating system, because of the Firebase Software Development
17 Kit ("SDK") and/or Google Mobile Ads ("GMA") SDK.

18 7. As a class representative, I understand that I have a duty to protect the interests of
19 the classes. I will protect the best interests of the members of the classes and will work with my
20 attorneys to obtain success on behalf of those classes.

21 8. I do not know of any facts that would limit my ability to adequately represent the
22 interest of other members of the classes, or that my interests conflict in any way with the interests
23 of the classes. I have not been promised any compensation for bringing this case and serving as a
24 class representative.

25 9. I understand that I am a member of Class 1 because I turned WAA and sWAA off
26 but Google still collected my Web & App Activity and supplemental Web & App Activity on non-
27 Google-branded mobile apps from my Android mobile devices. Although I thought that Google
28 would not collect, save, or use any Web & App Activity and supplemental Web & App Activity
when I had turned off WAA and sWAA, I now know that Google still collects, saves, and uses my
Web & App Activity and supplemental Web & App Activity without my consent.

